

## REMARKS

In the Office Action of July 24, 2008, the Examiner rejected claim 31. Based on the foregoing amendments and following remarks, the Applicants respectfully request reconsideration of the Application.

### **Revival of Application**

The present application became abandoned for failure to file a reply to the action mailed July 24, 2008. The Applicants have submitted a Petition to Revive an Unintentionally Abandoned Application (Form PT/SB/64), the required fees (specifically, authorization to charge the same to deposit account 06-0600), the present reply, and a statement that the entire delay was unintentional. The Applicants believe that they have complied with the requirements for revival under 37 CFR § 1.137(b) and respectfully request that the petition be granted.

### **Rejection under 102(e) over Henderson**

Claim 31 was rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 7,286,658 (*Henderson*). (*Office Action*, 2.) Because *Henderson* fails to disclose each limitation of claim 31, the Applicants assert that this claim is patentable over the cited art.

### **Claim 31 is patentable over Henderson**

Claim 31 was rejected over *Henderson*. Claim 31 recites, in part:

a plurality of communication protocols, comprising wired and wireless communication protocols, and a plurality of control protocols that facilitate communication between the server and the mobile device and a remote system, wherein the server controls dynamic conversion of the mobile device from a first function to a second function to provide the plurality of functions at the mobile device;

requests reconfiguration from the first function to the second function via a request message to the server requesting transmission of second functional instructions corresponding to the second function, wherein first functional instructions enable the first function on the mobile device, and the second functional instructions enable the second function on the mobile device, wherein the functional instructions include the first and the second functional instructions;

processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions.

(Claim 31, emphasis added.)

The Examiner contends that *Henderson* teaches “a plurality of communication protocols, comprising wired and wireless communication protocols, and a Plurality of control protocols that facilitate communication between the server and a the mobile device and a remote system, wherein the server controls dynamic conversion of the mobile device from one first function to a second function to provide the plurality of functions at the mobile device (col 13 lines 33-67, col 14 lines 1-24).” (*Office Action*, 2 and 3). The Applicants respectfully disagree with the Examiner’s interpretation of *Henderson*.

The cited portions of *Henderson* do not teach the elements cited in claim 1. In stark contrast, the cited portions of *Henderson* simply discuss text-to-speech conversion within a message center or paging center. Caller ID data is applied to a speech synthesizer contained within a message center or paging center. Disclosing text-to-speech conversion within a message center or paging center is not equivalent to and does not anticipate “**a plurality of communication protocols, comprising wired and wireless communication protocols, and a plurality of control protocols that facilitate communication between the server and the mobile device and a remote system, wherein the server controls dynamic conversion of the mobile device from a first function to a second function to provide the plurality of functions at the mobile device**” as recited in claim 31 of the instant application.

The Examiner further asserts that *Henderson* discloses a mobile device that “requests reconfiguration from the first function to the second, function via a request message to the server requesting transmission, of second functional instructions corresponding to the second function, wherein first functional instructions enable the first function on the mobile device and the second functional instructions enable the second function on the mobile device, wherein the functional instructions include the first and the second functional instructions (col 39 lines 10-

39).” as recited in claim 31. (*Office Action*, 3). However, the cited portion of *Henderson* does not teach these elements. The Examiner merely cites column 39, lines 10-39 of *Henderson* without giving any explanation which elements of *Henderson* anticipate the claimed element..

Unlike the claimed embodiment, the cited portion of *Henderson* merely discloses a communication device having a variety of message-format inputs and display options. Numeric and alphanumeric characters can be displayed on an LCD display. Text can be input to the device by means of a radio frequency communication link. This text may be synthesized as voice output. Different binary codes may correspond to different text messages and may be stored in a table. (col. 39, lines 10-39) Clearly, the teachings in this portion of *Henderson* of a communication device having a variety of message-format inputs and display options are not at all equivalent to or disclose a mobile device that **“requests reconfiguration from the first function to the second function via a request message to the server requesting transmission of second functional instructions corresponding to the second function, wherein first functional instructions enable the first function on the mobile device, and the second functional instructions enable the second function on the mobile device, wherein the functional instructions include the first and the second functional instructions”** as recited in claim 31 of the instant application.

The Examiner also indicates that *Henderson* discloses a mobile device that “receives the functional instructions, and provide the second function at the mobile device in response to the processing first function on the processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions (col 33 lines 54-65)” as recited in claim 31 (*Office Action*, 3 and 4). Claim 31 of the instant application recites, as listed above, **“processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions.”** However, the cited portion of *Henderson* fails to

disclose these elements. In contrast to the claimed embodiment, the cited portion of *Henderson* simply teaches that fax header or e-mail information received at a message center may be used as caller identifying information. A message center could receive and store fax header information and retransmit it to a paging center or personal communicator that has pre-stored caller data and a comparing means. The fact that fax header or e-mail information received at a message center may be used as caller identifying information certainly does not teach a mobile device that **“processes the second functional instructions and provides the second function at the mobile device in response to the processing, wherein the second function includes one or more of communication functions, electronic mail transmit and receive functions, control functions, video functions, and audio functions”** as recited in claim 31 of the instant application.

In summary, *Henderson* merely discloses a method in which caller ID data originating from a public switched telephone network, or other caller identifying data, is received in a paging signal and compared to contact data stored in memory that is associated with actual or potential communicants. When a match is determined between the caller ID or other caller identifying data contained in a wireless paging signal and at least one database record recorded in memory, images or other information associated with the communicant are displayed or annunciated at the wireless device. (See *Henderson*, Abstract.) The teachings of *Henderson* have little or no relationship to claim 31 and, as such, fail to disclose the elements of claim 31.

The Examiner further indicates that “Henderson’s invention is different that the present application, however, all the features of the above claim can be found the reference.” (*Office Action*, 4.) The Examiner is correct in admitting that the invention of *Henderson* is different than the instant application. However, as shown above, the Applicants respectfully disagree with Examiner and respectfully submit that all of the features of claim 31 cannot be found in *Henderson*.

Additionally, “[b]ecause the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose **all** elements of the claim within the four corners of the document, but must also disclose those elements **‘arranged as in the claim.’**” *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1370 (Fed. Cir.

2008) (citations omitted, emphasis added). The Applicants believe that independent claim 31 is not anticipated by, and thus patentable over, the cited reference because the cited reference fails to disclose all of the claimed elements, let alone disclose all of the claimed elements **arranged as in the claim**.

## CONCLUSION

Based on the foregoing amendments and remarks, the Applicants believe the rejections have been overcome, and that the present Application is in condition for allowance. If the Examiner has any questions regarding the case, the Examiner is invited to contact Applicants' undersigned representative.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-0600 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: January 22, 2009

By: /Breton G. Graham/

Breton G. Graham, Reg. No. 48,149  
Carr & Ferrell LLP  
2200 Geng Road  
Palo Alto, CA 94303  
Phone: (650) 812-3400  
Fax: (650) 812-3444